

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

RODNEY C. LINEBERRY,)	
)	
Plaintiff,)	
)	
VS.)	No. 19-1135-JDT-cgc
)	
)	
JOHNNY ALEXANDER, ET AL.,)	
)	
Defendants.)	

ORDER DISMISSING CASE WITHOUT PREJUDICE,
CERTIFYING AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH
AND DENYING LEAVE TO APPEAL *IN FORMA PAUPERIS*

The *pro se* Plaintiff, Rodney C. Lineberry, filed a complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1.) At the time, Plaintiff was incarcerated at the Hardin County Jail (Jail) in Savannah, Tennessee. On August 2, 2019, the Court granted leave to proceed *in forma pauperis* and assessed the civil filing fee. (ECF No. 6.) The Court also ordered Lineberry to notify the Clerk, promptly and in writing, of any change of address and warned that failure to do so could result in dismissal of this action without further notice. (*Id.* at PageID 19.) Thereafter, the Court partially dismissed the complaint and directed the Clerk to issue process for the remaining Defendant, Sergeant Wilkerson. (ECF No. 7.) The Court also reminded Lineberry of his obligation to notify the Clerk of any change of address and the consequences of failing to do so. (*Id.* at PageID 26.)

Following Defendant Wilkerson's answer to the complaint, the Court issued a scheduling order. (ECF No. 14.) Lineberry's copy of that order, mailed to him at the Jail, was returned undeliverable on April 22, 2020, marked "RTS", "not here," and "refused." (ECF No. 15-1.) Lineberry has submitted no change of address.

The most basic responsibility of a litigant is to keep the Court advised of his whereabouts. Lineberry was directed to do so in both the August 2, 2019, and October 31, 2019, orders but has failed to notify the Court of his current location. Therefore, it appears he has abandoned this action. Accordingly, this case is hereby **DISMISSED** without prejudice, pursuant to Federal Rule of Civil Procedure 41(b), for failure to comply with the Court's orders.

It is CERTIFIED, pursuant to 28 U.S.C. § 1915(a)(3) and Federal Rule of Appellate Procedure 24(a), that any appeal in this matter by Plaintiff would not be taken in good faith. Leave to proceed on appeal *in forma pauperis* is, therefore, DENIED.

The Clerk is directed to prepare a judgment.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE